

REFERENCE TITLE: **on-site early voting; election day**

State of Arizona
House of Representatives
Forty-seventh Legislature
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2006

HB 2534

Introduced by
Representatives Gallardo, Kirkpatrick, Sinema: Cajero Bedford, Garcia M,
Lopes, Lopez L, Lujan, Meza, Prezelski

AN ACT

AMENDING SECTION 16-542, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-542, Arizona Revised Statutes, is amended to
3 read:

4 16-542. Request for ballot

5 A. Within ninety days next preceding the Saturday before any election
6 called pursuant to the laws of this state, an elector may make a verbal or
7 signed request to the county recorder, or other officer in charge of
8 elections for the applicable political subdivision of this state in whose
9 jurisdiction the elector is registered to vote, for an official early ballot.
10 In addition to name and address, the requesting elector shall provide the
11 date of birth and state or country of birth or other information that if
12 compared to the voter registration information on file would confirm the
13 identity of the elector. If the request indicates that the elector needs a
14 primary election ballot and a general election ballot, the county recorder or
15 other officer in charge of elections shall honor the request. For any
16 partisan primary election, if the elector is not registered as a member of a
17 political party that is entitled to continued representation on the ballot
18 pursuant to section 16-804, the elector shall designate the ballot of only
19 one of the political parties that is entitled to continued representation on
20 the ballot and the elector may receive and vote the ballot of only that one
21 political party. The county recorder may establish on-site early voting
22 locations at the recorder's office or any other locations in the county the
23 recorder deems necessary.

24 B. Notwithstanding subsection A of this section, a request for an
25 official early ballot from an absent uniformed services voter or overseas
26 voter as defined in the uniformed and overseas citizens absentee voting act
27 of 1986 (P.L. 99-410; 42 United States Code section 1973) or a voter whose
28 information is protected pursuant to section 16-153 that is received by the
29 county recorder or other officer in charge of elections more than ninety days
30 next preceding the Saturday before the election is valid. If requested by
31 the absent uniformed services or overseas voter, or a voter whose information
32 is protected pursuant to section 16-153, the county recorder or other officer
33 in charge of elections shall provide to the requesting voter early ballot
34 materials through the next two regularly scheduled general elections for
35 federal office immediately following receipt of the request.

36 C. The county recorder or other officer in charge of elections shall
37 mail postage prepaid to the address provided by the requesting elector, which
38 address shall be the elector's residence address or the location where the
39 elector is temporarily residing while absent from the precinct, the early
40 ballot and the envelope for its return within five days after receipt of the
41 official early ballots from the officer charged by law with the duty of
42 preparing ballots pursuant to section 16-545. If a statewide voter
43 registration database is not yet operational and if the requesting elector
44 registered to vote for the first time in this state after January 1, 2003 and
45 has not yet voted in this state or is reregistering after January 1, 2003

1 after moving from one county in this state to another county in this state
2 and is voting for the first time at the new registration address, the early
3 ballot materials shall include notice that the person shall submit a
4 photocopy of a current form of identification that bears a photograph of the
5 person and the name of the person or a photocopy of a current utility bill,
6 bank statement, paycheck, government issued check or other government
7 document that shows the name and registration address of the person and
8 notice that if the person does not submit photocopies of the required
9 documents, the person may only vote a provisional ballot.

10 D. Only the elector may be in possession of that elector's unvoted
11 early ballot. If a complete and correct request is made by the elector
12 within thirty days next preceding the Saturday before the election, the
13 mailing must be made within forty-eight hours after receipt of the request.
14 Saturdays, Sundays and other legal holidays are excluded from the computation
15 of the forty-eight hour period prescribed by this subsection. If a complete
16 and correct request is made by an absent uniformed services voter or an
17 overseas voter before the election, the regular early ballot shall be
18 transmitted by mail, **BY** fax or by other electronic format approved by the
19 secretary of state within twenty-four hours after the early ballots are
20 delivered pursuant to section 16-545, subsection B, excluding Sundays.

21 E. In order to be complete and correct and to receive an early ballot
22 by mail, an elector's request that an early ballot be mailed to the elector's
23 residence or temporary address must include all of the information prescribed
24 by subsection A of this section and must be received by the county recorder
25 or other officer in charge of elections no later than 5:00 p.m. on the
26 eleventh day preceding the election. An elector who appears personally no
27 later than ~~5:00 p.m. on the Friday preceding the~~ **7:00 P.M. ON** election **DAY** at
28 an on-site early voting location that is established by the county recorder
29 or other officer in charge of elections shall be given a ballot and permitted
30 to vote at the on-site location. If an elector's request to receive an early
31 ballot is not complete and correct but complies with all other requirements
32 of this section, the county recorder or other officer in charge of elections
33 shall attempt to notify the elector of the deficiency of the request.

34 F. Unless an elector specifies that the address to which an early
35 ballot is to be sent is a temporary address, the recorder may use the
36 information from an early ballot request form to update voter registration
37 records.

38 G. The county recorder or other officer in charge of early balloting
39 shall provide an alphabetized list of all voters in the precinct who have
40 requested and have been sent an early ballot to the election board of the
41 precinct in which the voter is registered not later than the day prior to the
42 election.

43 H. As a result of an emergency occurring between 5:00 p.m. on the
44 second Friday preceding the election and 5:00 p.m. on the Monday preceding
45 the election, qualified electors may request to vote early in the manner

1 prescribed by the county recorder of their respective county. For the
2 purposes of this subsection, "emergency" means any unforeseen circumstances
3 that would prevent the elector from voting at the polls.

4 I. A candidate or political committee may distribute early ballot
5 request forms to voters. If the early ballot request forms include a printed
6 address for return to an addressee other than a political subdivision, the
7 addressee shall be the candidate or political committee that paid for the
8 printing and distribution of the request forms. All early ballot request
9 forms that are received by a candidate or political committee shall be
10 transmitted as soon as practicable to the political subdivision that will
11 conduct the election.